

MS 0643

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Patrick R. Gleason and
Susan A. Gleason,

Case Type: 14. Civil Other

Plaintiffs,

Court File No. _____

vs.

SUMMONS

Deutsche Bank National Trust Company,
as Trustee for Morgan Stanley ABS
Capital I Inc., Trust 2006-HE3,

Defendant.

THIS SUMMONS IS DIRECTED TO THE ABOVE-NAMED DEFENDANT(S)

1. YOU ARE BEING SUED. The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this summons.

2. YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS. You must give or mail to the person who signed this summons a

written response called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this summons located at:

Drewes Law, PLLC
1516 West Lake Street, Suite 300
Minneapolis, Minnesota 55408.

3. YOU MUST RESPOND TO EACH CLAIM. The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

4. YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS. If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the complaint. If you do not want to contest the claims stated in the complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the complaint.

5. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.

6. **ALTERNATIVE DISPUTE RESOLUTION.** The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

7. **THIS LAWSUIT MAY AFFECT OR BRING INTO QUESTION TITLE TO REAL PROPERTY** located in Hennepin County, State of Minnesota, legally described as follows:

Lot 22, Block 1, The Woods at Elm Creek.

The object of this action is to stop and declare null foreclosure proceedings initiated by Defendant.

Date: 11/25/2013

/s/ Jonathan L. R. Drewes

Jonathan L. R. Drewes (#387327)

DREWES LAW, PLLC

1516 West Lake Street, Ste 300

Minneapolis, MN 55408

T (612) 285-3051

F (612) 285-3062

jon@dreweslaw.com

Attorneys for Plaintiff

ACKNOWLEDGEMENT

The Plaintiff, by its undersigned attorney, hereby acknowledges that sanctions may be imposed pursuant to Minnesota Statute § 549.211.

Date: 11/25/2013

/s/ Jonathan L. R. Drewes

Jonathan L. R. Drewes (#387327)

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Patrick R. Gleason and
Susan A. Gleason,

Case Type: 14. Civil Other

Plaintiffs,

Court File No. _____

vs.

COMPLAINT

Deutsche Bank National Trust Company,
as Trustee for Morgan Stanley ABS
Capital I Inc., Trust 2006-HE3,

Defendant.

Plaintiffs Patrick R. Gleason and Susan A. Gleason, (collectively referred to as "Homeowners"), for their cause of action against Deutsche Bank National Trust Company ("Foreclosing Party"), state and allege as follows:

1. This action involves real estate located at 11334 Rosemill Lane, Champlin, MN 55316 and legally described as:

Lot 22, Block 1, The Woods at Elm Creek

(the "Subject Property").

2. Homeowners are individuals occupying the Subject Property as a principal place of residence.
3. Foreclosing Party is a national banking association organized and existing under the laws of the United States.
4. A mortgagee's interest in favor of Foreclosing Party was granted by mortgage dated January 13, 2006, registered February 23, 2006 with the Hennepin County Registrar of Titles as document number 4229837 (the "Mortgage"), later assigned to Foreclosing Party via assignments recorded as document number T4671119 and document number T4902939.
5. "We require a foreclosing party to 'show exact compliance' with the terms of the statutes... If the foreclosing party fails to strictly comply with the statutory requirements, the foreclosure proceeding is void." *Jackson v. Mortg. Elec. Registration Sys.*, 770 N.W.2d 487, 494 (Minn. 2009) (quoting *Moore v. Carlson*, 128 N.W. 578, 579 (Minn. 1910)).

COUNT I: INJUNCTION
FAILURE TO STRICTLY COMPLY WITH MINN. STAT. § 582.043

6. Homeowners incorporate all other allegations of this Complaint as if set forth herein in full.

7. On or before October 3, 2013, Foreclosing Party retained the law firm of Shapiro & Zielke, LLP "to initiate foreclosure proceedings to foreclose the mortgage on your property," referring to the Subject Property. See a letter affirming the same attached as **EXHIBIT A**.

8. On October 16, 2013, Foreclosing Party caused a "notice of pendency of proceeding to foreclose mortgage" to be recorded against the Subject Property's certificate of title by recording such notice with the Hennepin County Registrar of Titles as document number T05125348. See a copy of the recorded document attached as **EXHIBIT B**.

9. On or about October 16, 2013, Foreclosing Party caused a "notice of mortgage foreclosure sale" setting a December 6, 2013 sale of the Subject Property to be served upon the occupants of the Subject Property. See a copy of the same attached as **EXHIBIT C**.

10. "A servicer must: (1) notify a mortgagor in writing of available loss mitigation options offered by the servicer that are applicable to the mortgagor's loan before referring the mortgage loan to an attorney for foreclosure." Minn. Stat. 582.043, Subd. 5.

11. Neither Foreclosing Party nor its agent Shapiro & Zielke, LLP, have caused notice to be given in writing to Homeowners, the mortgagors, of available loss mitigation options.

12. Homeowners, who experienced temporary loss of income due to a temporary layoff, are prime candidates for a loss mitigation programs, such as HAMP loan modifications or other programs which allow Homeowners to workout payment deficiencies over time.

13. Loss mitigation options often benefit neighborhoods and the state, as well as the direct parties involved.

14. "A mortgagor has a cause of action, based on a violation of this section, to enjoin or set aside a sale." Minn. Stat. 582.043, Subd. 7.

15. All actions taken by Shapiro & Zielke, LLP towards foreclosing are illegal and void as contrary to law.

16. Homeowners are rightfully entitled to an order enjoining the scheduled December 6, 2013 sheriff's sale. Foreclosing Party must first comply with the statute before referring the mortgage loan to an attorney for foreclosure.

**COUNT II: ATTORNEY FEES AND COSTS
GRANTED BY MINN. STAT. § 582.043**

17. Homeowners incorporate all other allegations of this Complaint as if set forth herein in full.

18. "A mortgagor who prevails in an action to set aside or enjoin a sale... is entitled to reasonable attorney fees and costs." Minn. Stat. 582.043, Subd. 7.

19. Homeowners retained the law office of Drewes Law, PLLC, in pursuit of enforcement of their rights under Minnesota Statutes section 582.043, and have been specifically damaged to the extent legal costs and fees are being incurred in the protection of their rights.

20. Upon prevailing in this action, Homeowners are entitled to a judgment allowing them to recover reasonable attorney fees and costs from the Foreclosing Party.

WHEREFORE, Plaintiffs request an order for the following relief:

1. Judgment in favor of Plaintiff and against Defendant enjoining the scheduled December 6, 2013 sheriff's foreclosure sale of the Subject Property.
2. Judgment in favor of Plaintiff and against Defendants allowing them to recover reasonable attorney fees and costs from the Foreclosing Party.

3. For all other relief that the Court deems just and equitable.

Date: 11/25/2013

/s/ Jonathan L. R. Drewes

Jonathan L. R. Drewes (#387327)

DREWES LAW, PLLC

1516 West Lake Street, Ste 300

Minneapolis, MN 55408

T (612) 285-3051

F (612) 285-3062

jon@dreweslaw.com

Attorneys for Plaintiffs

ACKNOWLEDGEMENT

The Plaintiff, by its undersigned attorney, hereby acknowledges that sanctions may be imposed pursuant to Minnesota Statute § 549.211.

Date: 11/25/2013

/s/ Jonathan L. R. Drewes

Jonathan L. R. Drewes (#387327)

EXHIBIT A

SHAPIRO & ZIELKE, LLP
MINNESOTA LAW FIRM

Gerald M. Shapiro*
David Kreisman**
Lawrence P. Zielke***
Diane F. Mach
Melissa L. B. Porter
Kalli L. Ostlie****
Randolph W. Dawdy****
Thomas J. Hainje
Ronald W. Spencer
Stephanie O. Nelson
Amanda M. Govze
Wendy Oien Sanchez
Gary J. Evers

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PHONE: (952) 831-4060
FAX: (847) 954-4800

12550 West Frontage Road, Suite 200
Burnsville, MN, 55337

*Admitted in Illinois and Florida only

**Admitted in Illinois only

***Also admitted in Wisconsin

****Certified Real Property Law Specialist in Minnesota
Of Counsel

Kristine M. Spiegelberg Nelson

NOTICE REQUIRED BY THE FAIR DEBT COLLECTIONS PRACTICES
ACT, 15 U.S.C. SECTION 1692, ET. SEQ.

October 3, 2013

Susan A Gleason
11334 Rosemill LN
Champlin, MN 55316

Re: Our File No. 11-075978AEF
Loan No. 1127055959
Property Address: 11334 Rosemill LN, Champlin, MN 55316

Dear Sir or Madam:

The law firm of Shapiro & Zielke, LLP has been retained to initiate foreclosure proceedings to foreclose the mortgage on your property. The following information is provided to you as required by the Federal Debt Collections Practices Act:

1. As of October 3, 2013, our client has advised us that the amount of the debt is \$443,771.94. (This amount is not intended as a payoff amount. You MUST contact our office to obtain a payoff quote)
2. The creditor or the servicer of the creditor to whom the debt is owed is Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2006-HE3.
3. The Fair Debt Collection Practices Act entitles you to dispute the debt, or any portion thereof, within thirty (30) days of your receipt of this letter. If you do not dispute the debt within that period, it will be assumed to be valid.
4. If you notify us in writing within thirty (30) days of the date you receive this letter that you are disputing the debt or any portion thereof, or if you notify us in writing within thirty (30) days of the date you receive this letter that you want to know the name of the original creditor if that creditor is different from current creditor, then we will obtain and mail to you verification of the debt and/or the name and address of the original creditor.
5. The Fair Debt Collection Practices Act does not require that we wait until thirty (30) days from the date you receive this letter before initiating foreclosure proceedings to foreclose on your mortgage. In

the event we do initiate foreclosure proceedings to foreclose on your mortgage, within thirty (30) days from the date you receive this letter, you still retain the right to dispute the debt, or any portion thereof and you also retain the right to request the name of the original creditor if the original is different from the current creditor.

6. If you request in writing proof of the debt or any portion thereof or if you request in writing the name of the original creditor within thirty (30) days from the date you receive this letter, the Fair Debt Collection Practices Act requires us to suspend our efforts to foreclose the mortgage on your property, even if we have already initiated foreclosure proceedings until we mail you the information validating the debt and/or until we provide you with the name of the original creditor.

7. Because of interest, late charges and other charges that may vary from day to day, the amount due on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your check, in which event we will inform you before depositing the check for collection. For further information, call (952)831-4060. Any written request should be addressed to:

SHAPIRO & ZIELKE, LLP
12550 West Frontage Road
Suite 200
Burnsville, MN 55337

PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT, YOU ARE ADVISED THAT THIS OFFICE IS DEEMED TO BE A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. THIS NOTICE IS REQUIRED BY THE PROVISIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT AND DOES NOT IMPLY THAT WE ARE ATTEMPTING TO COLLECT MONEY FROM ANYONE WHO HAS DISCHARGED THE DEBT UNDER THE BANKRUPTCY LAWS OF THE UNITED STATES.

Sincerely,
SHAPIRO & ZIELKE, LLP

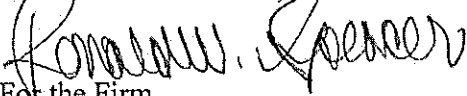

For the Firm

EXHIBIT B



Doc No **T05125348**

Certified, filed and/or recorded on
Oct 16, 2013 4:22 PM

Office of the Registrar of Titles
Hennepin County, Minnesota

Martin McCormick, Registrar of Titles
Mark V. Chapin, County Auditor and Treasurer

Deputy 58

Pkg ID 1043318E

Doc Name: Notice of Pendency to Foreclose

Document Recording Fee	\$46.00
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Document Total	\$46.00
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Existing Certs

New Certs

812282

This cover sheet is now a permanent part of the recorded document.

11-075978

NOTICE OF PENDING OF PROCEEDING TO FORECLOSE MORTGAGE

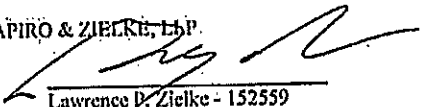
Date: October 15, 2013

YOU ARE NOTIFIED, that a proceeding is about to be commenced by the undersigned attorney for Deutsche Bank : National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2006-HE3 pursuant to a Power of Attorney to Foreclose as authorized by Minnesota Statute 580.05, to foreclose the Mortgage dated January 13, 2006, executed by Patrick R. Gleason and Susan A. Gleason, husband and wife, as Mortgagors to Mortgage Electronic Registration Systems, Inc., as Mortgagee and filed on February 23, 2006, as Document Number 4229837.

TRANSACTION AGENT: Mortgage Electronic Registration Systems, Inc.
MIN#: 100077910005609447
LENDER: Decision One Mortgage Company, LLC
SERVICER: America's Servicing Company
PROPERTY ADDRESS: 11334 Rosemill Ln, Champlin, MN 55316
PROPERTY IDENTIFICATION NUMBER: 36.120.22.14.0051 Cert. No. 812282.

SHAPIRO & ZIELKE, LLP

BY


Lawrence P. Zielke - 152559
Diane F. Mach - 273788
Melissa L. B. Porter - 0337778
Randolph W. Dawdy - 2160X
Ronald W. Spencer - 0104061
Stephanie O. Nelson - 0388918
Gary J. Evers - 0134764
Attorneys for Mortgagee
12550 West Frontage Road, Ste. 200
Burnsville, MN 55337
(952) 831-4060

STATE OF MINNESOTA)

)SS

COUNTY OF DAKOTA)

This instrument was acknowledged before me on this 15th day of October, 2013, before me personally appeared
Gary J. Evers attorney with the law firm of Shapiro & Zielke, LLP.


Notary Public

DRAFTED BY:
SHAPIRO & ZIELKE, LLP
12550 West Frontage Road, Ste. 200
Burnsville, MN 55337
(952) 831-4060

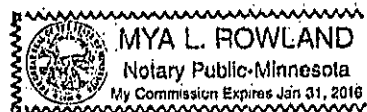


EXHIBIT C

11-075978

NOTICE OF MORTGAGE FORECLOSURE SALE

THE RIGHT TO VERIFICATION OF THE DEBT AND IDENTITY OF THE ORIGINAL CREDITOR WITHIN THE TIME PROVIDED BY LAW IS NOT AFFECTED BY THIS ACTION.

NOTICE IS HEREBY GIVEN, that default has occurred in the conditions of the following described mortgage:

DATE OF MORTGAGE: January 13, 2006

ORIGINAL PRINCIPAL AMOUNT OF MORTGAGE: \$332,000.00

MORTGAGOR(S): Patrick R. Gleason and Susan A. Gleason, husband and wife

MORTGAGEE: Mortgage Electronic Registration Systems, Inc.

TRANSACTION AGENT: Mortgage Electronic Registration Systems, Inc.
MIN#: 100077910005609447

LENDER OR BROKER AND MORTGAGE ORIGINATOR STATED ON THE MORTGAGE: Decision One Mortgage Company, LLC

SERVICER: America's Servicing Company

DATE AND PLACE OF FILING: Filed February 23, 2006, Hennepin County Registrar of Titles, as Document Number 4229837

ASSIGNMENTS OF MORTGAGE: Assigned to: Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2006-HE3

LEGAL DESCRIPTION OF PROPERTY:
Lot 22, Block 1, The Woods at Elm Creek
REGISTERED PROPERTY

PROPERTY ADDRESS: 11334 Rosemill Ln, Champlin, MN 55316

PROPERTY IDENTIFICATION NUMBER: 36.120.22.14.0051 Cert. No. 812282

COUNTY IN WHICH PROPERTY IS LOCATED: Hennepin

THE AMOUNT CLAIMED TO BE DUE ON THE MORTGAGE ON THE DATE OF THE NOTICE:
\$470,701.86

THAT all pre-foreclosure requirements have been complied with; that no action or proceeding has been instituted at law or otherwise to recover the debt secured by said mortgage, or any part thereof;

PURSUANT, to the power of sale contained in said mortgage, the above described property will be sold by the Sheriff of said county as follows:

DATE AND TIME OF SALE: December 6, 2013, 10:00am

PLACE OF SALE: Sheriff's Main Office, Civil Division, Room 30, Courthouse, 350 South Fifth St., Minneapolis, MN 55487

to pay the debt secured by said mortgage and taxes, if any, on said premises and the costs and disbursements, including attorneys fees allowed by law, subject to redemption within 6 months from the date of said sale by the mortgagor(s) the personal representatives or assigns.

TIME AND DATE TO VACATE PROPERTY: If the real estate is an owner-occupied, single-family dwelling, unless otherwise provided by law, the date on or before which the mortgagor(s) must vacate the property, if the mortgage is not reinstated under section 580.30 or the property is not redeemed under section 580.23, is 11:59 p.m. on June 6, 2014.

"THE TIME ALLOWED BY LAW FOR REDEMPTION BY THE MORTGAGOR, THE MORTGAGOR'S PERSONAL REPRESENTATIVES OR ASSIGNS, MAY BE REDUCED TO FIVE WEEKS IF A JUDICIAL ORDER IS ENTERED UNDER MINNESOTA STATUTES SECTION 582.032 DETERMINING, AMONG OTHER THINGS, THAT THE MORTGAGED PREMISES ARE IMPROVED WITH A RESIDENTIAL DWELLING OF LESS THAN 5 UNITS, ARE NOT PROPERTY USED FOR AGRICULTURAL PRODUCTION, AND ARE ABANDONED.

HOMESTEAD DESIGNATION NOTICE

This Notice is attached to and served with the Notice of Mortgage Foreclosure Sale related to the above-described Mortgage.

" IF PART OF THE PROPERTY TO BE SOLD CONTAINS YOUR HOUSE, YOU MAY DESIGNATE AN AREA OF A HOMESTEAD TO BE SOLD AND REDEEMED SEPARATELY.

YOU MAY DESIGNATE THE HOUSE YOU OCCUPY AND ANY AMOUNT OF THE PROPERTY AS A HOMESTEAD. THE DESIGNATED HOMESTEAD PROPERTY MUST CONFORM TO THE LOCAL ZONING ORDINANCES AND BE COMPACT SO THAT IT DOES NOT UNREASONABLY REDUCE THE VALUE OF THE REMAINING PROPERTY.

YOU MUST PROVIDE THE PERSON FORECLOSING ON THE PROPERTY, THE SHERIFF, AND COUNTY RECORDER WITH A COPY OF THE LEGAL DESCRIPTION OF THE HOMESTEAD YOU HAVE DESIGNATED BY TEN BUSINESS DAYS BEFORE THE DATE THE PROPERTY IS TO BE SOLD."

SEPARATE TRACT DESIGNATION NOTICE

This Notice is attached to and served with the Notice of Mortgage Foreclosure Sale related to the above-described Mortgage.

" IF THE PROPERTY TO BE SOLD CONTAINS SEPARATE TRACTS, YOU MAY REQUEST THAT THE TRACTS BE SOLD AND REDEEMED SEPARATELY. EACH OF THE SEPARATE TRACTS MUST CONFORM TO LOCAL ZONING ORDINANCES, MUST HAVE AN ENTRANCE BY DIRECT ACCESS TO A PUBLIC ROAD OR BY PERMANENT EASEMENT, AND MUST NOT UNREASONABLY AFFECT THE VALUE OF THE REMAINING PROPERTY.

YOU MUST PROVIDE THE PERSON FORECLOSING ON THE PROPERTY, THE SHERIFF, AND THE COUNTY RECORDER WITH A COPY OF THE LEGAL DESCRIPTIONS OF EACH OF THE TRACTS YOU HAVE DESIGNATED TO BE SOLD SEPARATELY BY TEN BUSINESS DAYS BEFORE THE DATE THE PROPERTY IS TO BE SOLD"

Dated: October 15, 2013

Deutsche Bank National Trust Company, as Trustee for
Morgan Stanley ABS Capital I Inc. Trust 2006-HE3
Assignee of Mortgagee

SHAPIRO & ZIELKE, LLP

BY 

Lawrence P. Zielke - 152559

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Attorneys for Mortgagee

12550 West Frontage Road, Ste. 200

Burnsville, MN 55337

(952) 831-4060

THIS IS A COMMUNICATION FROM A DEBT COLLECTOR